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# San Diego City Attorney **MICHAEL J. AGUIRRE**

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## **NEWS RELEASE**

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**Contact: Communications Division (619) 235-5725**

### **CITY ATTORNEY SEEKS FEDERAL APPROVAL TO CONTINUE PUBLIC SHUTTLE TO SAN DIEGO CHARGERS' GAMES**

**San Diego, CA**—City Attorney Michael Aguirre is requesting a ruling by the Federal Transit Administration (FTA) that could permit the San Diego Metropolitan Transit System (MTS) to continue to offer San Diego Chargers' fans bus transportation to Qualcomm Stadium this NFL season. A new federal regulation that went into effect this year prohibits public transportation providers from competing with private charter services, if they exceed their "usual or customary fixed route fare."

In a memo dated July 25, 2008 to FTA Chief Counsel Severn E.S. Miller, Aguirre states:

It is understood that the change in the regulation was intended to prevent private charter services from having to compete with public transportation providers that receive federal tax subsidies. According to the *Union-Tribune* article, "One company, Colonial Coachlines of Mount Prospect, Ill., offered a bid to North County Transit of \$17,226 for a 55-passenger coach. That's \$313.20 per passenger – about the cost of three field-level tickets for a Chargers game." It should be no surprise that citizens are outraged at this news.

The situation with the San Diego Metropolitan Transit System (MTS) is somewhat different. It would seem that the service that MTS would like to offer might not fall under the definition of *charter service* as that term is defined in 49 CFR Part 604. MTS may avoid the rule altogether and offer the service if the fare sought by MTS for the express service to the Charger games does not exceed their "usual or customary fixed route fare".

"It is my hope that the FTA will reconsider, after the presentation of these new facts," said City Attorney Aguirre. "It's cost effective for San Diegans, and it's a safer travel alternative for Chargers fans before and after a game."

On June 11, 2008, the FTA rendered an advisory opinion at the request of MTS and stated it would review the matter if new facts were presented.

To view the correspondence, visit [www.sandiegocityattorney.org](http://www.sandiegocityattorney.org), click "Significant Reports and Legal Documents."

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